

REMARKS

Claims 1-3 were pending in the present application. New claims 4 and 5 are added herein. Thus claims 1-5 are now pending in the present application. The applicants respectfully request reconsideration and allowance of the present application in view of the above amendments and the following remarks.

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and note with appreciation receiving a copy of form PTO-1449 associated with the Information Disclosure Statement filed on March 4, 2004, on which the examiner has initialed all listed items.

The applicants further note with appreciation the telephonic interview held October 27, 2004 between the undersigned and Examiner Tsai in which applicants clarified the nature of the claimed opening as cross-shaped in contrast with the purported openings of the applied art. The Examiner indicated that he would reconsider the rejection in light of the new understanding of applicants claimed cross-shaped openings. Support for the cross shaped opening can be found throughout applicants specification for example on page 15, lines 19, and elsewhere.

It should be noted that the claims are amended herein to improve the clarity thereof and not for reasons related to patentability. Therefore the scope of the claims has not been affected.

Claims 1-3 stand rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Murata et al, U.S. Patent No. 6,601,452, (hereinafter "Murata"). The rejection is respectfully traversed.

With regard to independent claims 1 and 3, a diaphragm pressure sensor is recited including, *inter alia*, an etching mask having a cross-shaped opening portion at which a first area extending along the <110> crystal axis direction and a second area extending along the <100> crystal axis direction cross each other. As best understood in light of the mention of “Akira” in the response, mask M1 of [Murata] is alleged to amount to the claimed etching mask with the claimed cross shaped opening. Applicants respectfully disagree with this characterization and submit that, at best, rectangular opening may be described in Murata. However, Murata fails to disclose the claimed etching mask with the ***cross shaped*** opening as claimed.

Accordingly a *prima facie* case of anticipation has not been established in that the applied reference fails to disclose all the claimed features as required. It is respectfully requested therefore that the rejection of claims 1 and 3 be reconsidered and withdrawn.

Claim 2, by virtue of depending from claim 1, is believed allowable for at least the reasons set forth hereinabove with regard to claim 1. It is respectfully requested that the rejection of claim 2 be reconsidered and withdrawn.

Claims 1-3 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Akira, JP Patent No. JP9018016. The rejection is respectfully traversed.

As noted above, with regard to independent claims 1 and 3, a diaphragm pressure sensor is recited including, *inter alia*, an etching mask having a cross-shaped opening portion at which a first area extending along the <110> crystal axis direction and a second area extending along the <100> crystal axis direction cross each other. Mask 1 of Akira is alleged to amount to the claimed etching mask with the claimed cross shaped opening. Applicants respectfully disagree with this characterization and submit that, at best, a rectangular opening may be described in Akira. However, Akira fails to disclose the claimed etching mask with the ***cross shaped*** opening as claimed.

Accordingly a *prima facie* case of anticipation has not been established in that the applied reference fails to disclose all the claimed features as required. It is respectfully requested therefore that the rejection of claims 1 and 3 be reconsidered and withdrawn.

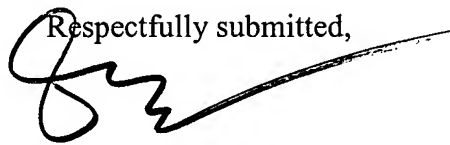
Claim 2, by virtue of depending from claim 1, is believed allowable for at least the reasons set forth hereinabove with regard to claim 1. It is respectfully requested that the rejection of claim 2 be reconsidered and withdrawn.

New claims 4 and 5 are provided to more clearly recite, for example, the cross-shaped opening and the overlap area. No new matter has been entered and no new search should be required.

In view of the forgoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



Robert L. Scott, II
Reg. No. 43, 102

Posz & Bethards, PLC
11250 Roger Bacon Drive, Suite 10
Reston, VA 20190
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400